

Application No. 09/752,199

RECEIVED
CENTRAL FAX CENTER

AUG 14 2006

Remarks/Arguments

The Office Action dated June 13, 2006, has been noted and its contents carefully studied. In light of the foregoing amendments and the following comments, reconsideration of the rejection under 35 U.S.C § 103 is courteously requested.

Initially, the Examiner's withdrawal of the 35 U.S.C. § 112 rejection is acknowledged. In addition, it is noted that this amendment has been filed within two months of the mailing date of a Final Rejection (i.e., August 14, 2006 (August 13 was a Sunday)), thus invoking the Patent Office policy concerning extensions of time when a response after Final Rejection is filed within two months of the mailing date of the Office Action.

It is also noted that the Examiner has issued a new ground of rejection in light of newly-cited U.S. Patent No. 6,567,853 to Shomler. In order to address new ground of rejection, applicant proposes herein certain amendments to independent claims 1 and 13. Previously, claim 1 was amended to require that the TCP/IP connection between the workstation making up a part of the computer system and a target device on the network was a direct connection and separate between the connection between a server and a target device on a network. It is noted in this regard, that while amendment was made to claim 1 and 13 in this manner, that a further amendment is also presented herein to clause "b" of claim 13, which adds the word "direct" before the term "TCP/IP". This amendment is consistent with and does not introduce new issues relative to claim 13 as similar language appears in clause c of claim 13 and thus, for this reason the amendment should be entered.

In order to further clarify and distinguish over newly cited U.S. Patent No. 6,567,853 to Shomler, further amendments have also be introduced to claims 1 and 13 which essentially require that the direct TCP/IP connection between the workstation making up part of the computer system and a target device on the network is without involving the server. This language is merely of a clarifying nature since it was implicit from the language wherein a direct TCP/IP connection was established, since the term "direct" of necessity requires that there be no involvement by any other components. Accordingly, the language presented is of a clarifying nature and serves to enable the Examiner to clearly understand the distinctions between the

Application No. 09/752,199

claims and the newly-cited reference for reasons set forth further herein, in a discussion of the references presented for the Examiner's kind consideration.

U.S. Patent No. 6,567,853 to Shomler

U.S. Patent No. 6,567,853 to Shomler (hereinafter Shomler) does in fact teach separate connection on a network between a client system or workstation and storage devices separate from a connection to a server. It is noted that the connection or interface 150 can be formed as a conventional DASD interface, such as SCSI or as a network interface of any "carrier" type such as TCP/IP. However, in contrast to applicant's invention as now clearly recited in the claims, Shomler specifically states in column 4 that the servers must be able to connect to and identify themselves to storage devices with the storage devices only responding to non-servers, i.e., clients, when a response has been set up in advance by a server. (See for example, column 4 beginning at lines 12, *et. seq.*).

Thus, in light of the new rejection and in reviewing the claims, applicants note that while the claims clearly required establishing a direct TCP/IP connection between the host and storage device, allowing for the Examiner's perhaps broader interpretation of that language, which it is respectfully urged clearly requires no involvement by the server, Applicant has now amended the claims to clearly recite that the connection between the target device and the workstation through the TCP/IP connection is without involving the server. This is contrary and clearly not obvious from the cited Shomler reference which is newly-applied herein, and it is respectfully urged that the amendments do not raise new issues, and clearly distinguish over the reference, or at least clarify the issues for appeal.

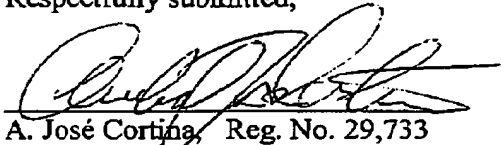
With respect to the other cited references, they have been discussed at length previously in this file and reference is made to previously filed amendments. It is respectfully urged that the references clearly add nothing to Shomler. In fact, since Shomler, as a primary reference, has been clearly distinguished over by virtue of the arguments advanced herein and the amendments to the claims, it is now also respectfully urged that the application is clearly in condition for allowance.

Application No. 09/752,199

Nonetheless, should the Examiner still have any comments, questions or suggestions of a nature necessary to expedite the prosecution of the application or to place the application in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: August 14, 2006

Respectfully submitted,



A. José Cortina, Reg. No. 29,733
Daniels Daniels & Verdonik, P.A.
P.O. Drawer 12218
Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
Email jcortina@d2vlaw.com

Enclosures

F:\CLA\1301-008\Prosecution\Amendment.Aug2006.doc